

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14-cv-98-FDW**

This matter is before the Court on Plaintiff's Motion to Compel and Motion for Sanctions, (Doc. No. 43). In support of his motion, Plaintiff asserts that Defendants Piercy and Mason have not filed an Answer or other responsive pleading within the 21-day limit to do so following service of summons on them. Plaintiff seeks monetary sanctions against Defendants as well as an order from the Court requiring Defendants to file an Answer or otherwise respond to the Complaint.

To the extent that Plaintiff seeks monetary sanctions, the Court finds that monetary sanctions are not appropriate. The Court will grant the motion to the extent that the Court hereby advises Defendants that the time to file an Answer has expired and failure to file an Answer or otherwise respond in this action may subject Defendants to a default judgment against them. The Court will grant Defendants an additional 30 days to file an Answer or otherwise respond in this action.

The Court hereby instructs the Clerk of this Court to mail a copy of this Order to Defendants Piercy and Mason at the addresses provided in the executed summons. See (Doc. No. 41). The Clerk shall also mail a courtesy copy of this order to the attorney of record for

Cleveland County, at the following address: Sean F. Perrin, Womble, Carlyle, Sandridge & Rice, 301 S. College St., Suite 3500, Charlotte, NC 28202.

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel and Motion for Sanctions, (Doc. No. 43), is **DENIED** in part and **GRANTED** in part.

Signed: March 3, 2015



Frank D. Whitney
Chief United States District Judge

